

REMARKS/ARGUMENTS

Claims 1-5 and 9 remain pending herein.

Figure 2 was objected to. The December 19, 2005 Office Action contains a statement that Figure 2 “. . . does not have sufficiently descriptive labels.” In response, submitted herewith is a Replacement Figure 2 in which the boxes labeled with reference number 46 have been labeled “Routers”. It is respectfully requested that the U.S. PTO reconsider and withdraw this objection.

The drawings were objected to because Figure 5a includes reference character 90, which is not mentioned in the original specification. The specification has been amended as set forth above to correct an inadvertent error. The correction of this error results in the inclusion of reference number 90 in the specification. It is respectfully requested that the U.S. PTO reconsider and withdraw this objection.

The specification was objected to. The December 19, 2005 Office Action (bottom of page 3, all of page 4 and top of page 5) includes various statements regarding disclosure in the present specification, pages 12 and 13. It is respectfully noted that the equations on page 12-13 and corresponding description of the calculation of calculation of a long term average would be quite clear to one skilled in the art. Persons skilled in the art are very familiar with programming equations in a computer programming language and are used to seeing equations such as:

$i = i + 1$

which means the variable i is increased by one.

The equation:

$lt_jitter = (lt_jitter * P) + (abs(jitter) * (1-P))$

means that the long term jitter becomes equal to the previous value of the long term jitter multiplied by P plus the absolute value of the jitter multiplied by 1-P.

Accordingly, it is respectfully requested that the U.S. PTO reconsider and withdraw this objection.

Claims 1-3 and 9 were objected to. Section “6” of the December 19, 2005 Office Action contains various objections to those claims.

The claims have been amended as set forth above. These changes include revisions to address the concerns stated in this objection. Accordingly, it is respectfully requested that the U.S. PTO reconsider and withdraw this objection.

Claims 1-9 were rejected under 35 U.S.C. §112, first paragraph. Section “8” of the December 19, 2005 Office Action includes various statements regarding the claims and the specification.

As discussed above, the equations on page 12-13 and corresponding description of the calculation of calculation of a long term average would be quite clear to one skilled in the art. As also discussed above, the equation:

$$lt_jitter = (lt_jitter * P) + (abs(jitter) * (1-P))$$

means that the long term jitter becomes equal to the previous value of the long term jitter multiplied by P plus the absolute value of the jitter multiplied by 1-P.

Accordingly, it is respectfully requested that the U.S. PTO reconsider and withdraw this objection.

Claims 1-9 were rejected under 35 U.S.C. §112, second paragraph. Section “10” of the December 19, 2005 Office Action includes various statements regarding the claims. The amendments to the claims as set forth above include changes to address the concerns set forth in Section “10” of the Office Action. Accordingly, it is respectfully requested that the U.S. PTO reconsider and withdraw this rejection.

Claims 7 and 8 were rejected under 35 U.S.C. §101. As noted above, claims 7 and 8 have been canceled, rendering this rejection moot. Accordingly, it is respectfully requested that the U.S. PTO reconsider and withdraw this rejection.

Claims 1, 2 and 7-9 were rejected under 35 U.S.C. §103(a) over Cisco Systems, “Evaluate Network Performance with Cisco IOS® Service Assurance Agent” (“Cisco”) in view of U.S. Patent No. 6,665,317 (Scott ‘317) and U.S. Patent Application Publication No. 2003/0086425 (Bearden ‘425).

The claims recite generating a long term average jitter parameter. In accordance with the present invention, it has been discovered that a long term average jitter parameter is a useful parameter for generating an estimated mean opinion score for assessing speech quality transmitted via a packet based telecommunications network.

Cisco and Beardon both relate to evaluation of network performance. Cisco and Beardon both refer to jitter, but neither discloses or suggests a long term average jitter parameter and neither document discloses or suggests that such a parameter would be a useful measure for assessing speech quality.

Scott relates to a methods and systems for managing jitter. Scott discloses use of a parameter known as jitter variation, but there is no suggestion in Scott that this parameter would be useful for assessing speech quality in a voice over IP network.

Accordingly, it is respectfully requested that the U.S. PTO reconsider and withdraw this rejection.

Claims 3-6 were rejected under 35 U.S.C. §103(a) over Cisco in view of Scott ‘317 and Bearden ‘425, further in view of U.S. Patent Application Publication No. 2003/0018450 (Carley ‘450).

Carley ‘450 is relied on in the Office Action for alleged disclosure of determining both a maximum of a performance metric followed by a standard deviation of the maximum as well as a standard deviation of the performance metric followed by a subsequent standard deviation. Any such disclosure would not overcome the shortcomings of Cisco, Scott ‘317 and Bearden ‘425, as those references

are attempted to be applied against claim 1, from which claims 3-6 each ultimately depend.

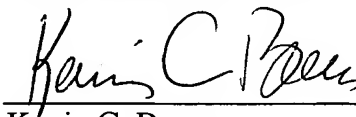
Accordingly, it is respectfully requested that the U.S. PTO reconsider and withdraw this rejection.

In view of the above, claims 1-5 and 9 are in condition for allowance.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,



Kevin C. Brown
Reg. No. 32,402

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Date

KCB:jms

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 025191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320

APPENDIX

Amendments to the Drawings:

An **Appendix** including amended drawing Figure 2 is attached following page 13 of this paper.